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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**DEFENDANTS' MOTION FOR  
LEAVE TO FILE UNDER SEAL  
MOTION TO EXCLUDE EXPERT  
TESTIMONY OF ELIZABETH A.  
DEAN AND ACCOMPANYING  
EXHIBITS A-G**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010 (*See* Dkt. 55, "Protective Order"), Local Rule 10-5(b) and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendants Rimini Street, Inc. and Seth Ravin ("Rimini") respectfully requests that the Court grant leave to file under seal portions of the Motion to Exclude Expert Testimony of Elizabeth A. Dean ("Motion to Exclude"), and

1 accompanying Exhibits A–G. A public, redacted version of Motion to Exclude was filed on May 20,  
2 2015. Additionally, on May 20, 2015, the unredacted version of Exhibits A–G were filed under seal.

3           The Protective Order provides that: “Counsel for any Designating Party may  
4 designate any Discovery Material as “Confidential Information” and as “Highly Confidential  
5 Information- Attorneys’ Eyes Only” under the terms of the Protective Order only if such counsel in  
6 good faith believes that such Discovery Material contains such information and is subject to  
7 protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of  
8 any Discovery Material as “Confidential Information” or “Highly Confidential Information-  
9 Attorneys’ Eyes Only” shall constitute a representation that an attorney for the Designating Party  
10 reasonably believes there is a valid basis for such designation”. Protective Order at Paragraph 2.

11           The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials  
12 for many types of information, including, but not limited to, trade secrets or other confidential  
13 research, development, or commercial information.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206,  
14 1211 (9th Cir. 2002) (citations omitted).

15           Sealing portions of the Motion to Exclude is requested because the document contains  
16 information that Rimini has designated as “Confidential” or “Highly Confidential Information –  
17 Attorneys’ Eyes Only” under the terms of the Protective Order. This information includes references  
18 to the damages Expert Report of Scott D. Hampton that Rimini has designated “Confidential” and  
19 “Highly Confidential Information – Attorneys’ Eyes Only.” The motion contains also references to  
20 and portions of Oracle’s damages expert report that Oracle has designated “Highly Confidential  
21 Information – Attorneys’ Eyes Only” under the terms of the Protective Order. The information  
22 contained within Ms. Dean’s Expert Report includes financial information regarding Oracle’s and  
23 Rimini Street’s revenue generated from maintenance support offerings that if disclosed would  
24 competitively harm Oracle and Rimini Street. Further, the motion contains references to deposition  
25 transcripts of Elizabeth A. Dean, Stephen Woodward, Brian Baggett, and Richard Cummins that  
26 have been designated “Confidential” or “Highly Confidential Information – Attorneys’ Eyes Only.”

27           The Protective Order provides that: “Counsel for any Designating Party may  
28 designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information

– Attorneys’ Eyes Only’ under the terms of this Protective Order **only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c)**. The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information –Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis supplied).

A description of the Exhibits to be filed under seal referenced in this Motion to Exclude is included below:

1. **Exhibit A** consists of selected excerpts of the Expert Report of Elizabeth A. Dean, served in the above captioned case on January 17, 2012. Ms. Dean’s Expert Report has been designated “Highly Confidential Information – Attorneys’ Eyes Only” by Oracle.
2. **Exhibit B** consists of selected excerpts from the deposition testimony of Elizabeth A. Dean, which was taken in the above captioned case on May 23, 2012. The excerpted passages have been designated “Confidential” by Rimini Street.
3. **Exhibit C** consists of selected excerpts of the Expert Report of Scott D. Hampton, served in the above captioned case on March 30, 2012. Mr. Hampton’s Expert Report has been designated “Confidential” or “Highly Confidential Information – Attorneys’ Eyes Only” by Rimini Street.
4. **Exhibit D** consists of selected excerpts from the deposition testimony of Plaintiff Oracle’s Responses to Rimini’s First Interrogatories, Nos. 1–12, served in the above captioned case on December 19, 2012. The excerpted passages have been designated “Highly Confidential Information – Attorneys’ Eyes Only” by Oracle.
5. **Exhibit E** consists of selected excerpts of the 30(b)(6) deposition of Stephen Woodward, taken in the above captioned case on November 17, 2011. The excerpted passages have been designated “Confidential” or “Highly Confidential Information – Attorneys’ Eyes Only.”

1           6. **Exhibit F** consists of selected excerpts of the deposition of Brian Baggett, which  
2           was taken in the above captioned case on November 10, 2011. The excerpted  
3           passages have been designated “Confidential” or “Highly Confidential  
4           Information – Attorneys’ Eyes Only.”

5           7. **Exhibit G** consists of selected excerpts of the deposition of Richard Cummins  
6           (and Cummins Exhibit 2), which was taken in the above captioned case on July  
7           13, 2011. The excerpted passages have been designated “Confidential” or  
8           “Highly Confidential Information – Attorneys’ Eyes Only.”

9           Thus, in identifying the Motion to Exclude Exhibits which contain Confidential or  
10          Highly Confidential material, Rimini, as the designating party, contends that good cause exists for  
11          sealing Exhibits A–G.

12          Rimini has submitted all other portions of the Motion to Exclude as well as all other  
13          exhibits to the Motion to Exclude, for filing in the Court’s public files, which would allow public  
14          access to the filings except for the documents Rimini has designated as Confidential or Highly  
15          Confidential. Accordingly, the request to seal is narrowly tailored.

16          For the foregoing reasons, Rimini respectfully requests that the Court grant leave to  
17          file portions of the Motion to Expert Testimony of Elizabeth A. Dean and accompanying Exhibits  
18          A–G under seal.

19          DATED:       May 20, 2015

SHOOK, HARDY & BACON

21                               By: /s/ Robert H. Reckers  
Robert H. Reckers, Esq.

22                               *Attorneys for Defendants*  
23                               *Rimni Street, Inc. and Seth Ravin*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day of May, 2015, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, District of Nevada, using the electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

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